

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 26, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

PETER JAMES YEAGER,

Defendant.

No. 2:21-CR-0001-WFN-1

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

An evidentiary hearing was held March 20 through March 21, 2024. The Defendant, who is not in custody, was present and represented by Colin Prince and John McEntire, IV; Assistant United States Attorney Patrick Cashman represented the Government. This hearing was set to determine whether Mr. Yeager must be committed to the custody of the Attorney General. Mr. Yeager will not be committed for the reasons explained below.

A bench trial was held on February 5, 2024. Prior to the bench trial, the parties submitted a stipulation of facts and conclusions of law. ECF No. 111. The parties agreed that Mr. Yeager maliciously damaged, destroyed, or attempted to damage or destroy the Teamster Building in Spokane, Washington, by means of fire or explosives, and that the building was used in interstate commerce or an activity affecting interstate commerce. *Id.* However, the parties also agreed that Mr. Yeager had a severe mental disease or defect that prevented him from appreciating the nature and quality, or the wrongfulness, of his acts. *Id.*<sup>1</sup> The Court indicated at the bench trial that it would accept the parties' stipulation but did not enter a verdict at that time.

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<sup>1</sup> Both Mr. Yeager's expert, Richard Adler, M.D., and the Government's expert, Nathan Henry, Psy.D., agreed with this conclusion. ECF No. 111.

1 The Court does so now and finds that Mr. Yeager maliciously damaged, destroyed,  
2 or attempted to damage or destroy the Teamster Building in Spokane, Washington, by means  
3 of fire or explosives, and that the building was used in interstate commerce or an activity  
4 affecting interstate commerce. The Court also finds that Mr. Yeager had a severe mental  
5 disease or defect that prevented him from appreciating the nature and quality, or the  
6 wrongfulness, of his acts. Therefore, the Court finds Mr. Yeager not guilty by reason of  
7 insanity.

8 "If a person is found not guilty only by reason of insanity at the time of the offense  
9 charged, he shall be committed to a suitable facility *until* such time as he is eligible for  
10 release." 18 U.S.C. § 4243(a) (emphasis added). A person found guilty by reason of insanity  
11 is eligible for release if he proves "his release would not create a substantial risk of bodily  
12 injury to another person or serious damage of property of another due to a present mental  
13 disease or defect." § 4243(d). Because Mr. Yeager's offense involved serious damage to the  
14 property of another person and a substantial risk of bodily injury to another person, he has  
15 the burden of proof by clear and convincing evidence. *See id.*

16 After the bench trial, the Court appointed Robert Cosby, Psy.D., to examine Mr.  
17 Yeager and report his findings to the Court and to the parties. ECF No. 122. Dr. Cosby was  
18 requested to report, among other things, his opinion on whether Mr. Yeager is suffering from  
19 a mental disease or defect as a result of which his release would create a substantial risk of  
20 bodily injury to another person or serious damage to property of another. *Id.* Dr. Cosby has  
21 since submitted his report to the parties and to the Court. The report is thorough. It describes  
22 Mr. Yeager's history and present symptoms, the tests Dr. Cosby performed, the results of  
23 those tests, Dr. Cosby's findings, and Dr. Cosby's opinions. Ultimately, Dr. Cosby opined  
24 that Mr. Yeager does not pose a substantial risk of bodily injury to another person, or serious  
25 damage of property of another, due to a persistent mental disease or defect.

26 Dr. Cosby testified at the evidentiary hearing on March 20, 2024. His testimony was  
27 consistent with his report. He described at length his experience and qualifications, the tests  
28 he administered, the results of those tests, his conclusions, and the reasons for his

1 conclusions. Dr. Cosby testified Mr. Yeager suffers from a mental disease or defect caused,  
2 in part, by multiple traumatic brain injuries. Although Mr. Yeager's disease or defect is still  
3 present, he is not currently suffering from its effects. In other words, Mr. Yeager's mental  
4 ailments have not been cured, but he is no longer symptomatic. Dr. Cosby credited  
5 transcranial magnetic stimulation therapy for Mr. Yeager's recovery. It is important for Mr.  
6 Yeager to stay engaged in treatment, and Dr. Cosby believes Mr. Yeager will do so because  
7 he has an excellent support network and, critically, good insight into his mental health issues.  
8 According to Dr. Cosby, a person's insight is the most important factor affecting whether  
9 they will stay engaged in treatment. On cross examination, Dr. Cosby agreed that the risk of  
10 Mr. Yeager causing harm will increase if Mr. Yeager stops attending treatment. However,  
11 Dr. Cosby did not agree the risk would increase so much that it would become substantial.  
12 And because Dr. Cosby believed Mr. Yeager was unlikely to stop attending treatment, he  
13 ultimately concluded there was not a substantial risk of Mr. Yeager causing harm.

14 The Court accepts Dr. Cosby's conclusion. Dr. Cosby is highly qualified. He has a  
15 doctorate in psychology. He has been a forensic psychologist for the State of Washington  
16 for six years and has evaluated dangerousness in hundreds of cases. His examination and  
17 report were both thorough, and his conclusions were consistently supported by multiple  
18 measures. Dr. Cosby also appeared to be honest and unbiased. Dr. Cosby readily admitted  
19 Mr. Yeager's release presented *some* risk, though Dr. Cosby believes that risk is not  
20 substantial considering the high likelihood Mr. Yeager will continue his treatment. Dr.  
21 Cosby was confident in his ultimate conclusion and said the case was not close.

22 Mr. Yeager also testified. He was polite and well spoken. He answered questions  
23 completely and truthfully, and he was not at all evasive or combative. Mr. Yeager spoke  
24 frankly about his mental illness and their effects, and he acknowledged the seriousness of  
25 his actions. He also spoke about the treatment he has received and how immensely it has  
26 improved his mental health. Mr. Yeager has good insight into his own mental health and  
27 understands that he will need treatment for the rest of his life. Mr. Yeager now has stable  
28 housing, a good support network, and full VA benefits, all of which will help him stay

1 engaged in treatment. None of those things, however, are as important as Mr. Yeager's own  
2 personal insight and commitment to treatment. Mr. Yeager's demeanor and highly credible  
3 testimony support the Court's conclusion.

4 Based on the witnesses' testimony and Dr. Cosby's report, the Court finds by clear and  
5 convincing evidence that Mr. Yeager's release would not create a substantial risk of bodily  
6 injury to another person or serious damage of property of another due to a present mental  
7 disease or defect.

8 This Order is entered to memorialize and supplement the oral rulings of the Court.  
9 Accordingly,

10 **IT IS ORDERED** that:

11 1. The parties' Stipulation of Facts and Conclusions of Law, filed January 30, 2024,  
12 **ECF No. 111**, is **ACCEPTED**.

13 2. The Court **FINDS** that Mr. Yeager is **not guilty by reason of insanity**.

14 3. The Court **FINDS** that Mr. Yeager's release would not create a substantial risk of  
15 bodily injury to another person or serious damage of property of another due to a present  
16 mental disease or defect.

17 4. Mr. Yeager shall **NOT** be committed to the custody of the Attorney General.

18 The District Court Executive is directed to file this Order and provide copies to  
19 counsel.

20 **DATED** this 26th day of March, 2024.

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23 WM. FREMMING NIELSEN  
24 SENIOR UNITED STATES DISTRICT JUDGE

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03-19-24